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ABSTRACT

Fear, judgements, and violence have characterized discrimination throughout history. In sex discrimination, both sexes have a responsibility to fight discriminatory attitudes. Women should retain their distinctly feminine characteristics while at the same time being provided the same opportunities as men of equal ability. Title IX of the Education Amendments of 1972 forbids discrimination on the basis of sex in education programs or activities which receive federal funds. This is especially applicable to intramurals. Identical programs and totally coeducational teams are not required as long as comparable opportunities to participate in sports programs exist. Institutions have until July 21, 1976 to evaluate their athletic programs and implement the principles of nondiscrimination by sex. Equal opportunity includes everything from equipment to coaching to publicity. The most important aspect of a responsible intramurals program is to be sensitive to what the particular students at an institution at a particular time want and are interested in. In intramurals men and women must learn to cooperate in each other's best interests. (CD)

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SPEECH DELIVERED IN MINNEAPOLIS, MINNESOTA, NOVEMBER 1, 1975

AT THE FIRST CENTRAL REGIONAL INTRAMURAL CONFERENCE

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TITLE IX ---- ITS IMPACT

To begin, I feel it necessary to spend some time discussing discrimination in general so as to clarify the place of sex discrimination and possibly its future. It would be futile to look at Title IX alone without some understanding of the main reason for its inception.

No matter what the issue is; social, political, economic, etc., all people today are the subjects of some form of discrimination. Not too long ago white males were for the most part untouched by discriminatory practices. However, even they are affected now, particularly by Affirmative Action and increased unemployment. I personally cannot think of any sector of the human race that is free from the hands of discrimination. With this premise in mind, let us look closer at social issues.

By the term "social issues", I mean relationships between people, usually problems in relationships. They typically have as a common denominator some form of discrimination. Discrimination also infers categorical differentiation rather than recognition of mere individual differences. Therefore, in the broadest sense, discrimination implies that one group conflicts or does not accept another group as a result of distinguishing peculiar chaacteristics or qualities (at least deemed "peculiar".) The treatment of such other groups is also based on reasons other than individual merit. To recognize the almost endless numbers of various "groupings" of individuals makes one very pessimistic about ever reaching a total, unifying agreement for all peoples. Due to the vast differences, I feel that it is safe to conclude that man can never reach uniformity and peaceful relations among all people by his human intellect and power. This does not mean that efforts should be halted, but the fact of the matter must be acknowledged: so long as human beings believe that they have the answers or one day will have the answers is nothing but self-deception. After all, what is the one essential for coping harmoniously with others? Is it solely knowledge? Is it solely understanding of others? Is it a combination of the two? No. Neither is sufficient without heart-felt, sincere caring for all other humans on a complete, total mutual basis. Can man attain this on his own power? I daresay, no. Self-preservation, competition, self-achievement, and the like are too much a part of human nature; too much a part of man for him or her to give it up in order to place love for others first. (Though this is a personal prejudice, I feel it would be difficult to invalidate.)

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To this extent, discrimination exists whether we like it or not, and will probably always exist, though the shapes and forms may differ through time.

Let us look for a minute at some instances of discrimination in history. Slavery, culminating in the Civil War, is one example. The Jews have always been discriminated against as seen in their captivity in Egypt before the exodus and other subsequent events. Even Jesus Christ was crucified because He did not conform to the standards set by the chief priests and elders at the time. Where there is an individual that does not fit in with the crowd, where there is a group or entire race that lives differently or whose power is feared, where conformity lacks, in all these types of situations, discrimination will result.

Are there factors common in discriminatory acts? Generally speaking, yes, I believe so. Discrimination occurs inherently in the self-righteous and/or in the selfish striving for power as well as for economic gain. The notion, "I've got mine", resulting from a high achievement motivation and competitiveness, are predominant traits in American culture. Many people wish to attain their goals even at the expense of other people. There are three more specific factors common to discriminatory practices: 1) basic to human behavior, especially that which leads to discrimination is the element of fear. Fears are evident in self-preservation, failure, fear of deprivation as in loss of esteem, loss of status, loss of affection. There is a fear of losing control, fear of not being what others expect you to be, fear of being wrong. Fears exist for a multiple number of reasons. Everyone is afraid of something and it is from protecting oneself because of this fear that sometimes results in a discriminatory act. Fears can be good or bad, but the fact remains that they are a part of human nature. 2) the second common factor is that of human judgement. Man, whether subconsciously or consciously, whether intentional or unintentional, passes judgement on others in regard to whom is inferior and who is the superior in any given relationship. Whose measuring stick do you use? Most people use their own. What makes a person inferior or superior? Color, race, sex? In actuality, none of these determines the superiority of one individual over another. We probably all would agree on this. In the last twenty years, much evidence can be seen of man realizing this. From the Civil Rights Act, to the Equal Rights Amendment, to the Education Amendments, to Title IX...all give evidence of man's increasing awareness that it is not right for man to determine who deserves more than the next person. The problem is, however, that man will always retain his personal viewpoint and beliefs, and the element of human judgement will persist. The fact that you can legislate behavior but not the heart is so true. What happened with Affirmative Action? Everyone tried to find the "loopholes". People's hearts are not changed. We will experience this with Title IX, too, though you are <u>required</u> to provide for equal opportunity doesn't mean that you will <u>want</u> to. This feeling has as its base human judgement which is directly influenced by personal opinion and bias. 3) the third factor common to discriminatory acts is that of violence. Discrimination invariably reaches a point at which it can no longer be tolerated and some form of violence takes over. This can be seen over and over in history. Will sex discrimination follow the same behavior pattern? I am sure that it can be agreed that violence is unnecessary...but can it be avoided? Man has never been smart enough to avoid it in the past. Again, the point needs to be mentioned that even though we possess the knowledge of human behavior, especially through past events, and even though human beings may be "sensible" enough to know how to avoid tragic situations, humans must possess the "sensitivity" to negotiate successfully. Moreover, this sensitivity must be present among both

or all groups concerned. For example, with sex discrimination, the resolution is not a one-way affair as many women believe. Both sexes have an equal responsibility if such discrimination is to be resolved. Women cannot expect acceptance by, and sensitivity from males without reciprocating the same behavior and attitude. That is, females must also demonstrate objectivity towards males, as males should toward females in order for the problem to be adequately resolved. Discriminatory issues are not solved when bitterness or feelings of revenge are prevailing. You cannot fight discrimination with more discrimination and expect miracles to happen. Efforts must be made equally from both sides no matter what the human instinct or desire is.

So far, what has been stated about discrimination has had a negative connotation and I do not wish to imply that it is always bad. Though discrimination per se typically is not good, man has been given the ability to discriminate wisely, although not against others. For example, we can discriminate between good and bad apples, a Ford and a Chevrolet, a dog and a cat, a maple tree and an oak tree, black and white, male and female. Is this bad? Of course not! We have the ability to discriminate, but this privilege is so easily abused when we impose a limit or restriction on another person because of the differences we have realized. Hence, discrimination can be viewed in a positive manner, but it becomes negative when, because of the distinguishable factors, one person considers him/herself better than the other... this is the blunt way of saying that there is something wrong with another which labels him or her as inferior in some capacity.

This is the crux of the issue of Title IX. There is nothing wrong or invalid about acknowledging differences between men and women. Life was not meant to be "unisexual." However, the term "sex discrimination" as I interpret it, refers to the next step where these differences are translated into behavior patterns which have generally (not always) prohibited women from competing in sports. The problem does not end here. Today with the coming and passage of Title IX, some women, though in the minority, feel that women could compete equally with men if they only had the chance. This is no more right than saying women cannot compete because they are women. There are definite physical differences (which I am sure you have noticed) between the sexes and they should be respected, not denied. Women should not be denying their own dignity. They have been denied for years, and now the very people who are most verbal in their rebuttal and vigorously pursue acceptance of women in sports are the people who in turn deny themselves, by in a sense, agreeing there is no place in sports for femininity and thus striving towards an end inappropriate to their very nature. They are denying themselves, if you will. They can compete with men in a few activities where their talent is more similar to the men than the women. However, the goal to be achieved must be from within the individual. He or she should strive to attain his or her own potential. If that comes out to be equal or better than someone else, then fine. But the goal should be to prove oneself, not to prove oneself primarily in degradation of another. The point is that though sex discrimination in sports has probably developed traditionally from treatment by society, women now are no longer denied such opportunity due to Title IX. Furthermore, because this has already been done, there is no need for a woman to become or prove herself equal to men. Therefore, she should be concentrating on setting her own goals from within herself and as a female. It would be a lot more rewarding and fruitful for participants and spectators if women were to excell like women, not men. Sex differences are not only inherent and good, but they should be perpetuated in

sports and not considered to be a deterent of athletic success. Again, let me reiterate that I am personally not a supporter of totally separate programs for men and women. A person should be able to compete with persons of comparable ability and to deny this on the basis of sex is indeed sex discrimination. A person should strive to attain his/her potential and be allowed the opportunity for this all along the way. But, most importantly, women need not renounce or sacrifice their female characteristics to achieve this; indeed, they should not.

Why did I include this whole section? Two reasons:

1) to provide the basic understanding of the reason for the development of Title IX.

2) to present the possibility that discrimination is a part of all of us all, though exercised to varying degrees.

Now, let us get back into Title IX. So far, the underlying assumption has been that sex discrimination does indeed exist. An abundance of studies have been conducted to determine the extent to which this is true, but I do not care to cite them here. I merely wish to make a few statements about them. First of all, much of the research has not been terribly scientific to say the least. Many facts have been published in books and articles which can be very startling. However, if you read further, you will find in all likelihood that the facts and figures were arrived at in a variety of unorthodox methods. Let me give you an example. It was stated in a book by Frazier and Sadker, Sexism in School and Society, that "of the brightest high school graduates who do not go to college, 75-90 percent are women." From this they concluded that colleges were very definitely discriminating in their admission procedures. Although I cannot attack or defend the presence of such discrimination, the point is that the term "brightest" was not defined and it was not assessed why women did not go to college. A variety of reasons could have resulted besides or instead pf Admission discrimination. Statements such as this are nothing but invalid.

In any case, attention must be given to the type of research that has been done and how conclusions are reached. Much good research by professionals has been done, however, which supports the notion of the presence of sex discrimination in a variety of settings. To cite these studies would consume time unnecessarily, as I hope that we can agree on this point...that it does indeed exist. It was the results of this research of current conditions which led to the passage of the law.

Title IX is that portion of the Education Amendments of 1972 which forbids discrimination on the basis of sex in educational programs or activities which receive federal funds. (U.S. Department of Health, Education and Welfare (HEW), Title IX Questions and Answers, June 1975). In its original form, much controversy arose in reaction to such radical change. That is to say, initially, the Equal Rights Amendment merely stated that all sports and activities were to be made available to anyone who wished to participate regardless of sex. No conditions were given nor circumstances under which all institutions would have to comply. In essence, all activities would be co-educational with no exceptions in regards to sex differences. Such a step would probably be drastic and inoperable for both sexes. Upon realizing the infinite ramifications of such a move, Title IX was developed which deals specifically with the area of admissions, employment, and treatment of individuals. Definite guidelines are delineated in Title IX providing a more workable plan appropriate to the issue of sex discrimination. Stated in simplified terms, the basic intent of the entire law is to provide the best for the most. This definitely parallels with Intramurals. The general statement of the law which you have probably heard a number of times is,

"No person in the United States shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." (U.S. Department of HEW Fact Sheet, Title IX - Civil Rights, June 1975).

Who is exempt from Title IX's provisions? Congress has specifically exempted religious schools to the extent that the provisions of Title IX would be inconsistent with the basic religious tenets of the school. Also not included with regrad to admission requirements ONLY are private undergraduate colleges, non-vocational elementary and secondary schools and those public undergraduate schools which have traditionally and continuously been single-sex since their establishment.

What does Title IX actually mean to us? Generally speaking, Title IX says that no one may, according to law, say "NO" to someone on the basis of sex, male or female. The only time you can say "no" is on the basis of other factors common to all races, nationalities, and both sexes. The assumption can no longer be made that women are incapable of certain jobs while men are incapable of doing others. This gets back to the idea of human judgement. What the law is saying is that you or I do not have the freedom to decide who can or cannot perform a certain function on the basis of sex. Women cannot say a man would not make a good secretary because he is a man, nor can a man say that a woman cannot make a good boss because she is a woman. There is no superiority or inferiority except as evidenced in the common factors. Many people consider this to be a threat, but is it? In situations where discrimination has been evident, it might be a threat, a deserved one at that. On the other hand, in situations free of discriminatory acts, there is no threat, although some adjustments may need to be made. The amount of impact made by the law is directly proportional to the extent to which sex discrimination has been practiced at the institution.

Many may feel that Title IX is destroying their program. Again, the amount of change is dependent upon the need for that change due to past discrimination. However, the intent of Title IX is neither to destroy or to demand the impossible, but it regards the welfare of all human beings equally rather than man-made traditions.

I wish to make mention of three words used by regulation which I find particularly meaningful and interesting to note. The first is the word "opportunity." To me, this implies that everyone is given the chance to do whatever he or she wants to do or is capable of doing. It does not mean that identical programs have to be offered or equal funds given, etc., but merely that everyone will have the opportunity to pursue his/her interests. The other two terms are "permit" and "allow" used in reference to situations where males and females may still be separated, which will be discussed later. Whereas in most instances no discrimination can be made on the basis of sex, a few situations do exist where male and female may be separated, but this is not imperative. You are "permitted" or "allowed" to separate, but you do not have to. Hence, much is left to the discretion and uniqueness of each situation or institution to best meet its needs. This flexibility will best allow every institution to comply with the regulation through their programs while eradicating and sex discrimination in the process.

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How do you eliminate discrimination in athletic programs? This next section of the presentation is devoted to this question. The information is directly from a memorandum from the Director of the Office for Civil Rights to chief state school officers, superintendents of local educational agencies, and college and university presidents (dated September 1975). First, let me quote one section from the regulation which probably effects intramural programming most strongly in reference to the issue of separate teams. "The point of the regulation is not to be so inflexable as to require identical treatment in each of the matters listed under section 86.41(c). During the process of self-evaluation, institutions should examine all of the athletic opportunities for men and women and make a determination as to whether each has an equal opportunity to compete in athletics in a meaningful way. The equal opportunity emphasis in the regulation addresses to totality of the athletic program of the institution rather than each sport offered."

"Educational institutions are not required to duplicate their men's program for women. The thrust of the effort should be on the contribution of each of the categories to the overall goal of equal opportunity in athletics rather than on the details related to each of the categories.

"While the impact of expenditures for sex identifiable sports programs should be carefully considered in determining whether equal opportunity in athletics exists for both sexes, equal aggregate expenditures for male and female teams are not required. Rather, the pattern of expenditures should not result in a disparate effect on opportunity. Recipients must not discriminate on the basis of sex in the provision of necessary equipment, supplies, facilities, and publicity for sports programs. The fact that differences in expenditures may occur because of varying costs attributable to differences in equipment requirements and levels of spectator interest does not obviate in any way the responsibility of educational institutions to provide equal opportunity.

Self-Evaluation and Adjustment Periods. "Section 86.3(c) generally requires that by July 21, 1976, educational institutions (1) carefully evaluate current policies and practices (including those related to the operation of athletic programs) in terms of compliance with those provisions and (2) where such policies or practices are inconsistent with the regulation, conform current policies and practices to the requirements of the regulation.

"An institution's evaluation of its athletic program must include every area of the program covered by the regulation. All sports are to be included in this overall assessment, whether they are contact or non-contact sports.

"The adjustment period is not a waiting period. Institutions must begin now to take advantage and whatever steps are necessary to ensure full compliance as quickly as possible. Schools may design an approach for achieving full compliance tailored to their own circumstances; however, self-evaluation, as required by Section 86.3 (c) is a very important step for every institution to assure compliance with Title IX regulation, as well as with the athletics provisions.

Required First Year Actions. "School districts as well as colleges and universities are obligated to perform a self-evaluation of their entire education program, including the athletics program, prior to July 21, 1976. School districts which offer interscholastic or intramural athletics at the

elementary level must immediately take significant steps to accomodate the interests and abilities of elementary school pupils of both sexes, including steps to eliminate obstacles to compliance such as inequities in the provision of equipment, scheduling and the assignment of coaches and other supervisory personnel. As indicated earlier, school districts must conform their total athletic program at the elementary level to the requirements of section 86.41 no later than July 21, 1976.

"In order to comply with the various requirements of the regulation addressed to nondiscrimination in athletic programs, educational institutions operating athletic programs above the elementary level should:

1) Compare the requirements of the regulation addressed to non-discrimination in athletic programs and equal opportunity in the provision of athletic scholarships with current policies and practices;

2) Determine the interests of both sexes in the sports to be offered by the institution and, where the sport is a contact sport or where participants are selected on the basis of competition, also determine the relative abilities of members of each sex for each sport offered, in order to decide whether to have single sex teams or teams composed of both sexes. (Abilities might be determined through try-outs or by relying upon the knowledge of athletic training staff, administrators and athletic conference and league representatives.)

3) Develop a plan to accomodate effectively the interests and abilities of both sexes, which plan must be fully implemented as expeditiously as possible and in no event later then July 21, 1978. Although the plan need not be submitted to the Office of Civil Rights, institutions should consider publicizing such plans so as to gain the assistance of students, faculty, etc., in complying with them.

Assesment of Interests and Abilities: "In determining student interests and abilities, educational institutions as part of the self-evaluation process should draw the broadest possible base of information. An effort should be made to obtain the participation of all segments of the educational community affected by the athletic programs, and any reasonable method adopted by an institution to obtain such information will be acceptable. (In other words, no matter how long it takes or how difficult it may seem, do whatever you can to legitimately assess the interests and abilities of the students and include it in your overall self-evaluation. Do not rest assured that you are already aware of their interests and abilities, but through any method available to you, as long as it is valid, measure and record your findings. Maybe you could do this project with a group of students.

Separate Teams: "The second type of determination discussed above relates to the manner in which a given sports activity is to be offered. Contact sports and sports for which teams are chosen by competition may be offered either separately or on a unitary basis. Contact sports are define as football, basketball, boxing, wrestling, rugby, ice hockey and any other sport the purpose or major activity of which involves bodily contact. Such sports may be offered separately.

If by opening a team to both sexes in a contact sport an educational

institution does not effectively accomodate the abilities of members of both sexes, separate teams in that sport will be required if both men and women express interest in the sport and the interests of both sexes are not otherwise accomodated. For example, an institution would not be effectively accomodating the interests and abilties of women if it abolished all its women's teams and opened up its men's teams to women. but only a few women were able to qualify for the men's teams. (May I interject that so far as intramurals are concerned, great sensitivity and awareness is required on your part along with the self-evaluation project mentioned earlier in order to determine which is best for a given activity: offer it as co-educational, for men and women separately, or maybe in all three methods. Whichever best serves the interests and abilities of the participants, this is what should be pursued both in answer to the students and in compliance with Title IX.)

Equal Opportunity: "In the development of the total athletic program referred to in the above, educational institutions, in order to accomodate effectively the interests and abilities of both sexes, must ensure that equal opportunity exists in both the conduct of athletic programs and the provision of athletic scholarships. Specifice factors which should be used by an educational institution during its self-evaluation planning to determine whether equal opportunity exists in its plan for its total athletic program are:

-the nature and extent of the sports programs to be offered (including the levels of competition, such as varsity, club, etc.)
-the provision of equipment and supplies
-the scheduling of games and practice times
-the nature and the extent of the opportunity to receive coaching and academic tutoring
-the assignment and compensation of coaches and tutors
-the provision of locker rooms, practice and competitive facilities
-the provision of medical and training facilties and services
-the provision of housing and dining facilities and services
-the nature and extent of publicity."

As you can see, most of these are more directly related to athletics than intramurals. Let us look closer at the aspects that impact intramural programs more directly. Actually, only two major points will be made here as they are the most important, most significant and basic. If these two are understood, accepted, and implemented, the other aspects (such as equipment, facilities, supplies, etc.) of the regulation should naturally fall into being.

First of all, your self-evaluation must include the nature and extent of the sports program to be offered. As far as intramurals is concerned, the current programs should be outlined. That is, what is now offered strictly for men, for women, and co-educationally? Are these programs, particularly the men's and the women's equivalent? (by this I mean equal in value and function, but not necessarily in number.) Are the interests of the students being met in the most effective and efficient way? Once this is established, you then need to determine what the limitations are and where interests and demands are not being met. Through such things as facilities and time are certainly limiting factors, equivalent limitations should be evident in all programs. Upon completing these steps, you may have to effect some changes in your program. You may find that you neither have the funds or the extra time to add activities

in which case you will have to consider deleting some or combining some into co-educational activities or limiting numbers of teams in some activities or any of a variety of methods can be used to alter the programs to best allow for equal opportunity. The task is far from being impossible. It needs merely to be approached with a positive attitude of how best to solve the problem in your own unique situation. If approached from a negative standpoint of listing all the reasons why the programs can't be changed, you will not only not comply with Title IX, but also students will suffer from the consequences and the main purpose of intramurals of generating greater participation will be thwarted. I am convinced that there is a painless way of complying in all situations, but much though, planning and effort will have to be exerted.

Along with this point of separate or combined programs comes another recommendation. Title IX explicitly states that sports may be offered exclusively for one sex and allow me to explain why I say this. Yes, three different programs should be offered; men's, women's and co-educational. But also, antagonism will persist if a person is denied participation in an activity because of sex. First of all, no one will want to enter an activity of the opposite sex unless they know that they can best compete there rather than with their own sex. I have never seen this to fail when allowed, but I have seen people refusing to even try it and thereby inducing tension. There was a comic in the Rocky Mountain News several months ago which read:

Boys: You girls wanna play? (they were holding bats)

Girls: No, thanks.

Girls walking away, one to the other: Why do you suppose he asked?

Other Girl: I suppose to avoid a lawsuit!

At first I thought that was pretty funny, and then I realized just how true it was. You always want what you do not have, but then when you have it, you might not take advantage of it or use it.

At the University of Colorado, we run our whole intramural program this way as well as our club sports program. Nothing is restricted to just men or just women, and we also have never had any conflicts or students that felt that they were mistreated. As long as all programs are accessible to students regardless of whether or not they actually participate, you are providing for equal opportunity, and this is all you are asked to do. Granted, at the elementary level and the junior high level, you may need to employ greater discretion, but here also, equal opportunity is just as important. Strangely enough, however, the regulation says nothing about the safety factor in sports, so you supposedly are to consider that as secondary to equal opportunity. So you may look twice at just how necessary it is to "protect" girls from injuries. I thing you will find that those who wish to participate are no more susceptible to bodily injury than is a male. However, you do still have the option of separating the contact sports.

The second major aspect of which I wish to discuss briefly is the notion of ability groupings. This ties in with what was mentioned just previously, but deserves elaboration. In intramurals when you group by ability, you need

to objectively determine the performance of an individual rather than the sex of the individual. This can easily be done with individual sports because you typically have divisions or flights by skill. The mechanics of ability grouping is self-explanatory, so further detail is unnecessary. It is the idea of ability grouping which may be difficult to accept, but I cannot advocate it enough, particularly for an intramural program.

It is interesting to note that the self-evaluation plan required of all institutions receiving federal aid funds asks for an assessment of the interests and abilities of students while deleting the notion of the "needs" of students. Over and over in courses, in textbooks, and in everyday conversation, you encounter the idea of meeting the "needs" of students, and I am glad that Title IX did not include that, and I will clarify that here for a minute.

A variety of methods can be used or employed, and "any reasonable method adopted by an institution to obtain such" information (interest and abilities) will be acceptable. Isn't it just as important to meet the needs of students though? Yes, it is, but how do you measure the needs of students? This is not only a difficult problem, but a near impossible one as well. You would be asking the question, "Does a particular female tennis player "need" to play tennis any more than a particular male player? Whereas you can measure interest by a person's participation in an activity, you cannot measure the extent to which that individual "needs" to participate because it is so personal and relative only to that individual, not to others. The point I wish to make is that traditionally men's programs have appeared to be more important because there are a greater number of people involved in men's sports and much greater spectator interest. But this does not mean that the same sport offered to women serves a lesser need. The need and desire to participate is probably fairly equal. What Title IX says is that now that we acknowledge this, the equal need must be met by equivalent program offereings and administrative practices in proportion to the interest and abilities of the participants. That is to say, the "needs" of the students exists and is extremely important, but it should be taken for granted and have only an indirect influence. The real measuring stick is the interests and abilities which are empirical values, easily observed and evaluated. This could affect a decision you might have to make. What if you knew that 60 teams were going to enter the men's basketball intramural program, and 15 teams were to enter the women's basketball intramural program. Then you discovered that time and facilities would only allow for a tournament with 60 teams. Would you discard the women's tournament or limit the men's? I hope that the answer is clear, especially in the light of the equal opportunity regulation. I hope that the example is absurd, but that it serves a purpose. Because fewer females participate does not negate the existence of a very strong need, and the greater number of male participants should not belittle or limit this.

I need to mention a word of caution at this point. Do not be locked in by your program. Those programs which have been the most inflexible will experience the greatest impact and encounter the greatest need for adjustment to the regulation. Furthermore, those who feel that Title IX is infringement and are aghast at the changes they will have to make, are probably the very programs that have been inflexible, whether or not they care to admit it. Generally speaking, it is backwards to establish an intramural program first, and then see how many enter and determine that you are meeting the needs and interests of the students. To administer the most effective program requires a constant evaluation of the students, not the program. Therefore, the students

come first, the recognition of their interests, and then the program. Students are transient and constantly changing. Fourth graders are not always the same, nor are college students the same with the same interests from year to year. Even if certain sports have traditionally been very important, maybe the rules need to be re-evaluated. In any case, in relation to Title IX, those who consider the program first will require the greatest change and adjustment. But if your focus is on the student, male and female alike, and your interest placed on how much they can benefit by whatever programs you offer, you cannot help but be the least affected by Title IX. The entire regulation, as I interpret it, makes the participant the beneficiary - not you, or the program. The entire issue in my mind stems fron the basic male-female relationship which needs to be re-examined. Though time does not permit to delve into this, I would, in closing, like to quote a lengthy passage from Paul K. Jewett's book, entitled: "Man as Male and Female," the last portion of which he has quoted from a book by D. S. Bailey. This is the solution to sex discrimination, and Title IX may be viewed as a tool to help accomplish this:

> "But in the past, this genuine partnership of mind and spirit between the man and the woman has been greatly hindered by theories of male superiority and domination. The woman has been excluded from many spheres of life, especially those where decisions are made. Her social and educational disabilities have deprived her of the means to refute the arguments by which the man has buttressed his position of privilege. The woman has had to compete with the man in a 'man's world,' on his terms, rather than relate to him as a partner who is equal to him in every way. In view of the many obstacles she has faced in exercising her natural gifts as a female human being, her achievements are remarkable. Yet compared to the man's, they are slight indeed. Little do we know what resources she has because of the stultifying effects of male supremacy.
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> "In seeking a resolution to this problem, we must challenge the presumption that speaks of the 'woman question' as this very way of stating the matter pre-supposes that man's place in life has been determined and is beyond dispute. This is the first lie. If it is not good that man should be alone, if the Creator has given him a partner in life, then the 'women question' implies a 'man question.' The one cannot be discussed without the other. The 'man/woman' question is the question of their right relationship, a question that can never be resolved so long as one member pre-supposes that his role in the relationship is self-evident."
>
> "'Since God created Man, male and female, both must acknowledge the call of God to live creatively in a relationship of mutual trust and confidence learning through experiment in relationship to what God has ordained that they learn in no other way. This calls for integrity on the part of the man to renounce the perogatives, privileges, and powers which tradition has given him in the name of male headship. And it calls for courage on the part of the woman to share the burdens and responsibilities of life with the man, in love and humility that they may together fulfill their common destiny as Man.'" (pp. 148-149)

This not only refers to a marriage relationship, but life's relationships in general, even in intramurals.

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